

# Exhibit 1

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MICHAEL SHAMOS  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ANYWHERECOMMERCE , : CIVIL DOCKET  
INC . , and BBPOS LIMITED :  
:  
PLAINTIFFS : NO .  
: 1 : 19 - cv - 11457 - IT  
VS :  
:

INGENICO, INC., INGENICO  
CORP., and INGENICO  
GROUP SA

**DEFENDANTS**

REMOTE DEPOSITION OF  
MICHAEL SHAMOS

Taken remotely, via Zoom, on Tuesday, May 17th, 2022, beginning at 10:00 a.m., before Beau Dillard, RPR, a Notary Public in and for the Commonwealth of Pennsylvania, State of New York and Certified Registered Professional Reporter.

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MICHAEL SHAMOS

Q. Summaries, correct. All right.

So the first one in Paragraph 18, you state Mr. Zatkovich has not shown that any of the alleged trade secrets were actually trade secrets. In fact, they're not.

A. Yeah. That's two opinions.

Q. Okay. When you say in fact, they're not. Are you referring -- what are you referring to?

A. So something is not a trade secret if it has appeared in published sources. Something is not a trade secret if it is readily ascertainable by a proper mean.

O. Uh-huh.

A. In every case for all the alleged trade secrets, they were either disclosed in publically available sources or they were readily ascertainable by proper means.

Q. Okay. So I -- in going through your report, and I think it's consistent with the statements you've made today, you've expressed the opinion that conceptionally, these trade secrets alleged by BBPOS are

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2                   Q.           So you said here any detection  
3                   embodied in any BBPOS circuits could be readily  
4                   ascertained by reverse engineering.

5                   Do you see that?

6                   A.           Yes. You open the box and you  
7                   look at the circuit.

8                   Q.           Okay. Is that the basis for  
9                   your opinion?

10                  A.           Yes.

11                  Q.           Okay is there any other  
12                  information that you -- or data that you looked  
13                  at that would be also relevant to the  
14                  conclusion that you reached?

15                  A.           Don't need any. If you allege  
16                  that a circuit is a trade secret and you put  
17                  your circuit in publically available devices,  
18                  it's no longer a trade secret, that's why we  
19                  have patents.

20                  Anybody can open it up look at  
21                  it and say, oh, I can use that. I'll put that  
22                  in my device, no prohibition against that  
23                  unless it's patented.

24                  Q.           Does your conclusion in this  
25                  regard necessarily assume that it's in the

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2                   the nature of the contract was between the  
3                   holder of the device and the emitter of the  
4                   device. If they were under obligation of  
5                   confidentiality and had a prohibition against  
6                   reverse engineering, then that would not  
7                   officiate the trade secret.

8                   Q.               Okay. Let's -- let's move to 95  
9                   of your report and this is just as a preview, I  
10                  think these are all going to be references to  
11                  the reverse engineering. So that's 95.

12                  A.               Same answer to both questions.

13                  Q.               Okay. So this is the basis of  
14                  your opinion is that it is a circuit and once  
15                  it's in the public realm, it is capable of  
16                  being reverse engineered?

17                  A.               Well, it -- it's not actually  
18                  even reverse engineering, it's just looking and  
19                  seeing what it is. And just taking it and  
20                  putting it in your own product. Reverse  
21                  engineering implies that you have to do some  
22                  work to figure out how it works so you can  
23                  understand its principle of operation.

24                                   That would not be necessary,  
25                                   once you identified that this is a polarity

MICHAEL SHAMOS

## C E R T I F I C A T E

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COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF PHILADELPHIA:

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I, Beau Dillard, RPR, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing deposition of MICHAEL SHAMOS was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

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WITNESS my hand this 20th day of May, 2022.

*Evan Diller*

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Beau Dillard, RPR  
Notary Public

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